

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CRAIG BROWN,

Petitioner,

vs

9:03-CV-866

MR. HERBERT, Superintendent,

Respondent.  
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APPEARANCES:

OF COUNSEL:

BERNARD V. KLEINMAN, ESQ.  
Attorney for Petitioner  
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HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
The Capitol  
Albany, New York 12224-0341

GERALD J. ROCK, ESQ.  
Asst. Attorney General

HON. DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner, Craig Brown, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, seeking federal habeas relief. By Report-Recommendation dated April 13, 2005, the Honorable David R. Homer, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied. There have been no objections to the Report-Recommendation.

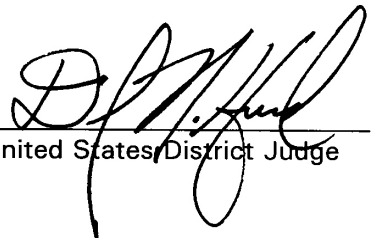
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and  
DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: August 25, 2005  
Utica, New York.

  
United States District Judge